

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES F. SULLIVAN,)	
)	
Petitioner,)	
)	
v.)	No. 2:05-cv-1411
)	
JAMES WYNDER, Superintendent S.C.I.)	Judge Hardiman
Dallas, THE DISTRICT ATTORNEY OF)	Magistrate Judge Hay
FAYETTE COUNTY, PA STATE)	
ATTORNEY GENERAL,)	
)	
Respondents.)	

ORDER

AND NOW this 28th day of December, 2006, after the Petitioner filed a Petition for Writ of Habeas Corpus in the above-captioned case, and after the Respondents filed their Answer and the state court records, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the Petition and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the plaintiff's Petition for Writ of Habeas Corpus is DENIED.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3 of the Federal Rules of Appellate Procedure.

s/ Thomas M. Hardiman

THOMAS M. HARDIMAN
United States District Judge

cc: Hon. Amy Reynolds Hay
United States Magistrate Judge

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